

OFFICE OF THE CLERK

MARCIA M. WALDRON  
CLERK

**UNITED STATES COURT OF APPEALS**

FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

TELEPHONE  
215-597-2995

February 1, 2007

Peter T. Dalleo, Clerk  
United States District Court  
J. Caleb Boggs Federal Building  
Lockbox 18  
844 King Street  
Wilmington, DE 19801-3570

Re: Bradley v. Brumbaugh, et al  
D. Del. No. 06-cv-0655-JJF

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice of appeal which was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. It is noted that an application for a certificate of appealability was also included with the notice of appeal. The Court of Appeals will retain a copy of the application to be filed on our docket once the appeal has been filed. **The notice was postmarked January 26, 2007 and should be docketed as of that date.**

This document is being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of the document, kindly process it according to your Court's normal procedures. If your office has already received the same document, please disregard the enclosed copy to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Bradford A. Baldus  
Bradford A. Baldus  
Senior Legal Advisor to the Clerk

Enclosure

cc: Raymond E. Bradley SBI #206914 (w/out enclosure)

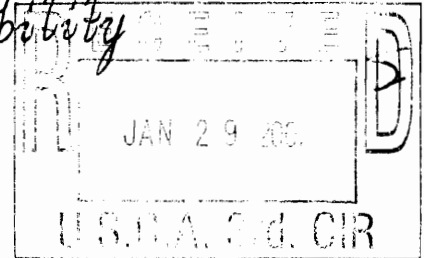
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To: Third Circuit Court for District Of Delaware

Re: Certificate Of Appealability

or

Notice Of Appeal



To Whom This May Concern:

With regards to the following:

Case Name: Bradley v. Brumbaugh et al

Case Number: 1:06 - cv - 655

Court: U.S. District Court, District of Delaware

On January 10, 2007, the U.S. District Court for the District of Delaware DISMISSED the above regarded Case/Complaint WITHOUT PREJUDICE, as frivolous and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915 (e)(2)(B) and § 1915A(b)(1).

I respectfully disagree - for legal reasons - with the "Dismissal," and therefore am seeking to challenge such in the 3rd Circuit Court. However, I do NOT know correct method of doing so. I have conducted research within the prison (SCI) law library, yet, I could not be appropriately instructed by "Paralegal Staff," (as they claim to

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not know the proper procedure), and as well, I was unable to find any clear instructions in document to guide me to know whether the proper filing remedy is a "Certificate of Appealability" or a "Notice of Appeal."

Thereof, I am - by this writing - seeking to officially file either of the one appropriate and necessary motions to challenge the Decision of Dismissal, and thus, I am requesting that you enter this writing on record... and reply to me with "PROPER INSTRUCTIONS."

Thank You,  
Raymond E. Bradley  
Raymond E. Bradley  
SBI # 206914  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, Delaware 19947

I/M: Mr. Raymond E. Bradley BLDG: Med/C-41  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19947

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To: Clerk Of The Court  
Third Circuit  
21400 U.S. Court House  
601 Market Street  
Philadelphia, PA 19106-1790

U.S.M.C.  
FBI  
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Legal Mail

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